

United States District Court

EASTERN DISTRICT OF OKLAHOMA

In the matter of the search of:

The residence of Kyle Lee Owens and its premises, located at 9000 South 40th Street West, Oktaha, Oklahoma, 74450, including the driveway, yard, curtilage, all vehicles parked on the premises, all sheds and out-buildings on the premises, and all locked containers and gun safes

Case No. 22-MJ-116-JAR

APPLICATION FOR SEARCH WARRANT

I, Laura Luppens, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (*identify the person or describe property to be searched and give its location*):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section(s) 1111(a), 113(a)(1), 113(a)(3), and the application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 4/23/2022

City and state: Muskogee, Oklahoma



Laura Luppens
Special Agent
Federal Bureau of Investigation



Judge's signature

JASON A. ROBERTSON
UNITED STATES MAGISTRATE JUDGE
Printed name and title



AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Special Agent Laura Luppens, being duly sworn, depose and state that:

INTRODUCTION

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since May 2017. I am currently assigned to the FBI Oklahoma City Division, Muskogee Resident Agency, where I investigate violations of federal law. My initial training consisted of a 21-week Basic Field Training Course conducted at the FBI Academy at Quantico, Virginia, during which I received instruction on various aspects of federal criminal investigations, to include training on criminal procedure, search and seizure, and violent crimes. Since then, I have received ongoing training from the FBI in criminal investigations. I am presently assigned to work primarily Indian Country criminal investigations in the Eastern District of Oklahoma.

As a federal law enforcement officer, I am authorized by the Attorney General to investigate violations of the laws of the United States, and to request and execute warrants issued under the authority of the United States.

As will be shown below, there is probable cause to believe that on April 22, 2022, at approximately 8:37 P.M., Kyle Lee Owens (Owens), date of birth (DOB) XX/XX/1995, shot and killed two men, Benjamin Maston Hill Jr. and Stephen Lee Hill, in the street in front of Owens's residence, located at 9000 South 40th Street West, Oktaha, Oklahoma, in violation of Title 18 U.S.C. §§ 1111(a), 1151, and 1153, Murder in Indian Country; Title 18 U.S.C. §§ 113(a)(1), 1151, and 1153, Assault with Intent to Commit Murder in Indian Country; and Title 18 U.S.C. §§ 113(a)(3), 1151, and 1153, Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country.

I make this affidavit in support of an application for a search warrant to search Owens's residence, located at 9000 South 40th Street West, Oktaha, Oklahoma, further described in

Attachment A, for instrumentalities, fruits, and evidence of these alleged crimes, further described in Attachment B.

The statements contained in this Affidavit are based on my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth each and every fact known to me about this matter. In addition, unless otherwise indicated, all statements contained in this affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

STATUTORY AUTHORITY

This investigation concerns alleged violations of Title 18 U.S.C. §§ 1111(a), 1151, and 1153, Murder in Indian Country; Title 18 U.S.C. §§ 113(a)(1), 1151, and 1153, Assault with Intent to Commit Murder in Indian Country; and Title 18 U.S.C. §§ 113(a)(3), 1151, and 1153, Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country.

VENUE & JURISDICTION: The facts and circumstances alleged in this affidavit occurred in the vicinity of Owens's residence, located at 9000 South 40th Street West, Oktaha, Oklahoma (hereafter the "Subject Residence"), located within the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the location where this incident occurred is within the geographic boundaries of the Muscogee (Creek) Nation Reservation, and therefore is within Indian Country. Furthermore, the subject of this investigation, Kyle Lee Owens, is an enrolled member of the Cherokee Nation, a Federally Recognized Tribe.

PROBABLE CAUSE

Below is a summary of events that occurred on the evening of April 22, 2022 in the vicinity of the Subject Residence:

At approximately 8:36 P.M., Owens's wife, K.O., called 911 and said that she needed a cop to respond her house now, at 9000 South 40th Street West. Much of the call is difficult to understand, but K.O. made statements about someone trying to run her off the road, about people being on her property, and about her husband either having to shoot or shooting someone. The end of the call captured the sound of four or five gunshots before the call disconnected.

At approximately 8:38 P.M., the Muskogee County 911 dispatch center called K.O. back. K.O. answered the call and spoke with the 911 dispatcher, and again said that "they" tried to run her off the road. Then a male voice came on the line and said he was Kyle Owens, and "they" are dead in the road at 9000 South 40th Street West. Owens said they were both shot. In response to questions from the 911 dispatcher about where the weapon was, Owens said that the weapon was "in a safe place", and then later said the weapon was "inside the house". The 911 dispatcher attempted to ask Owens what happened and who shot them. Owens said "I decline to say over the phone what happened". Owens said that his wife and children were inside, and he was on the porch.

At approximately 8:38 P.M., one of Owens's neighbors, C.E., called 911 and said that her neighbor shot two people, one of them was Stephen Hill, and they were both laying in the road. C.E. said she did not know "his" [her neighbor's] name, implying that the shooter was male.

When officers from Muskogee County Sheriff's Office ("MCSO") arrived on scene, they detained Owens and cleared Owens's residence for officer safety. K.O. and several children were inside the residence. MCSO officers asked K.O. if there were any firearms in the residence. K.O. said yes, there were firearms inside a gun safe, which K.O. opened for the MCSO officers. MCSO detained K.O. in the back of one of their police vehicles, where she had access to her cell phone. MCSO allowed the children to get dressed and leave the residence in the custody of a relative.

MCSO secured the residence and the crime scene.

While asking Owens general booking questions, a law enforcement officer asked Owens if he was a member of an Indian tribe. Owens said that he was Cherokee. Owens said he did have a tribe membership card, but that it was in his wallet, which Owens said another officer had previously taken from his person, along with two cell phones, and placed in the grass outside his residence. Law enforcement officers later confirmed that Owens is an enrolled member of the Cherokee Nation.

On the road and in the ditch in front of the Subject Residence, crime scene investigators located two vehicles and the bodies of two victims. The victims were identified as Benjamin Maston Hill Jr., DOB XX/XX/1974 (hereafter “Benjamin”), and Stephen Lee Hill, DOB XX/XX/1997 (hereafter “Stephen”). Both victims appeared to have died from gunshot wounds.

Crime scene investigators located approximately twenty-eight (28) ammunition cartridge casings at the scene, in the vicinity of the driveway to Owens’s residence and the road in front of the residence, which included .223/5.56 caliber casings and pistol caliber casings.

A 5.56 caliber rifle was identified inside the footwell of the front passenger seat of one of the vehicles, a black Jaguar sedan with Absentee Shawnee license plate number 10580, registered to Stephen Hill.

C.E., Owens’s neighbor, provided law enforcement officers with video footage from a surveillance camera that captured audio from the shooting. The time stamp on the video was approximately 8:37 P.M. The video captured the sound of approximately 20 total gunshots, fired in several different groups. In between groups of gunshots, a female voice is heard screaming words to the effect of (not a direct quote) “stop, stop, you’re going to go to jail”.

C.E. provided a statement to law enforcement in which she said that she was inside her

house when she heard gunshots. She went outside and saw Stephen Hill standing at the back of his car with his hands up. She saw her neighbor coming at Stephen and pointing a gun, then heard two or three gunshots and saw Stephen fall into the ditch. C.E. then called 911.

Another witness, R.E., said that he heard gunshots and then went outside. R.E. heard Stephen say words to the effect of (not a direct quote) “I’m sorry, I’m sorry, it was a joke”. Then R.E. heard three gunshots.

C.E. and R.E. recognized Stephen Hill because he was a relative of theirs.

During the crime scene investigation, an FBI Agent retrieved K.O.’s cell phone from her and secured it as potentially containing evidence of the crimes alleged herein, including but not limited to communications between K.O. and her husband Owens before, during, and after the incident in question, in anticipation of applying for a search warrant for the cell phone.

CONCLUSION

Based on the above information, I believe probable cause exists that there have been multiple violations of Title 18 U.S.C. §§ 1111(a), 1151, and 1153, Murder in Indian Country; Title 18 U.S.C. §§ 113(a)(1), 1151, and 1153, Assault with Intent to Commit Murder in Indian Country; and Title 18 U.S.C. §§ 113(a)(3), 1151, and 1153, Assault with a Dangerous Weapon with Intent to do Bodily Harm in Indian Country.

Further, I believe that evidence of these violations, as further described in Attachment B, is likely to be found in the property to be searched, further described in Attachment A.

In consideration of the foregoing, your Affiant respectfully requests that this Court issue a search warrant for the property described in Attachment A, authorizing the search of this property for the items and information described in Attachment B, and the seizure of such items.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Luppens', written over a horizontal line.

Laura Luppens, Special Agent
Federal Bureau of Investigation

Sworn before me this 23rd day of April 2022.

A handwritten signature in blue ink, appearing to read 'Jason A. Watson', written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA

ATTACHMENT A

PROPERTY TO BE SEARCHED

The residence of Kyle Lee Owens and its premises, located at 9000 South 40th Street West, Oktaha, Oklahoma, 74450 (the “Subject Residence”), including the driveway, yard, curtilage, all vehicles parked on the premises, all sheds and out-buildings on the premises, and all locked containers located at the premises, including, but not limited to, the gun safe that Owens’s wife identified and opened for law enforcement on April 22, 2022.

The Subject Residence is a white trailer with a dark colored front door in the center. Several steps lead up to the front door from the grass lawn. The driveway to the residence is marked with a black mailbox that says “Owens” and “9000 S. 40th St. W”. Photos of the Subject Residence are below.



ATTACHMENT B

ITEMS TO BE SEIZED

- Any and all firearms, firearm magazines, and ammunition, including, but not limited to, bullet fragments, casings, spent casings, fired projectiles, and any other ballistic evidence identified.
- Any and all cell phones belonging to Kyle Lee Owens, including, but not limited to, the two cell phones that Owens stated were removed from his person when he was detained by law enforcement and placed in the grass in front of his Residence.
- The black iPhone belonging to K.O. removed from K.O. and secured by an FBI Agent at the crime scene, currently located in the possession of the FBI.